

X
IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE TIRATH S. THAKUR

W.P.No.7106/1998

BETWEEN:

A.S.Chidananda
major, aged about
23 years, Son of
Sri.A.N.Shivabasappa
R/o.No.76, Upstairs
Nehru Circle
Sheshadripuram
Bangalore-20.

... Petitioner.

(by Sri. B.Ramaswamy Iyengar, Adv.)

AND:

- 1.The State of Karnataka
reptd., by its Secretary
Dept. of Education
M.S.Buildings,
Vidhana Soudha
Bangalore-1.
- 2.The Registrar (Evaluation)
Bangalore University
Bangalore.
- 3.The Principal
Kalpataru Institute of
Technology, Tiptur
Pin - 572 202
Tumkur District, Karnataka. ... Respondents.
(by Sri.S.G.Bhagwan, Adv.)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the respondent University to produce the Answer Scripts of the petitioner pertaining

to production operation Management (POM) of 8th Semester B.E. Examination held in August 1997, bearing Reg.No.93PB006 and also quashing the result in respect of POM of 8th Semester Examination held in August 1997 bearing Registration No.93PB006 vide Annex.J & K so far it relates the petitioner and further direct the respondent University to evaluate the answer books of the petitioner pertaining to POM of 8th Semester B.E. (Mechanical) Examination held in August 1997 bearing Reg. No.93PB006 again by another examiner and to declare the result of the said evaluation expeditiously and also order for issue of the marks sheet of 8th Semester forthwith.

This writ petition is coming on for preliminary hearing this day, the court made the following:-

O R D E R

The petitioner appeared for his Mechanical Engineering Examination conducted by the respondent University in August 1997. The result of the examination announced in January 1998 showed that he had failed in one of the subjects namely Production Operation Management. In other subjects he was declared to have passed. The petitioner then applied for revaluation of the answer script in "Production Operation Management". Revaluation of the answer script was carried

out, but the end result remained the same. There was therefore no material difference even in the net outcome of the over all result of the examination. Aggrieved, the petitioner has now filed this writ petition for a mandamus directing the respondent- University to get the script revalued once over again.

2. Counsel for the petitioner argued that the petitioner had secured good marks in all other subject which made it unlikely that he would fail in one of them. He submitted that in the interest of justice and for the satisfaction of the petitioner yet another revaluation could be ordered at the hands of some other examiner. I see no reason to do so. The right to seek revaluation must flow from the statute. If it does as in the present case, the power vested in University stands exhausted, once the petitioner's answer script was subjected

to revaluation. There is admittedly no provision in the statutes for a second revaluation. In the circumstances, I see no reason how a fresh revaluation of the script could be ordered by this court only for the satisfaction of the petitioner or only because he feels that his performance in a particular subject has not been properly assessed by the examiners.

There is no merit in this writ petition which is dismissed in limine.



mph/-

Sd/-
JUDGE